

REMARKS/ARGUMENTS

In the Final Office Action mailed December 3, 2009, claims 40-43 have been allowed and claims 19-39 stand rejected. Applicants have thoroughly reviewed the outstanding Office Action including the Examiner's remarks and the references cited therein. The following remarks are believed to be fully responsive to the Office Action. Without conceding the propriety of these rejections, claim 22 has been cancelled without prejudice or disclaimer of the subject matter contained therein, claims 23-36 have been amended to depend from allowed claim 40, and a Terminal Disclaimer has been filed concurrently herewith to overcome the nonstatutory double patenting rejection of claims 19-21. Accordingly, all the pending claims at issue are believed to be patentable over the cited references and a Notice of Allowance is earnestly solicited.

DOUBLE PATENTING

Claims 19-21 stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 2 and 4 of U.S. Patent No. 7,608,265. Without conceding the propriety of this rejection, applicants have filed a terminal disclaimer with this response.

CLAIM REJECTIONS – 35 U.S.C. §112

Claims 22-36 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for antibodies “specific against at least one antigen” recited in claim 22. Claim 22 has been cancelled and claims 23-36 have been amended to depend from allowed claim 40. Accordingly, Applicants respectfully submit that these claims are allowable.

Claims 37-39 stand rejected under 35 U.S.C. §112, second paragraph, as depending from rejected claims. Applicants respectfully submit that in light of the Terminal Disclaimer overcoming the rejection of claims 19-21 from which claims 37-39 respectively depend, the rejection of claims 37-39 is now moot. Accordingly, Applicants respectfully submit that these claims are allowable.

CONCLUSION

In view of the foregoing remarks, Applicants respectfully request that all the objections and rejections to the claims be removed and that the claims pass to allowance. If, for any reason, the Examiner disagrees, please call the undersigned at 202-861-1629 in an effort to resolve any matter still outstanding before issuing another action. The undersigned is confident that any issue which might remain can readily be worked out by telephone.

In the event this paper is not timely filed, Applicants petition for an appropriate extension of time. Please charge any fee deficiencies or credit any overpayments to Deposit Account No. 50-2036 with reference to our Docket No. 87278.2760.

Respectfully submitted,
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